

REMARKS

Claims 1-112, 116-117, and 136-152 are pending in this application. Claims 1-112, 116-117, and 136-152 stand rejected. In light of the remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Applicants request the Examiner acknowledge receipt of the IDS filed March 28, 2003. A copy of the IDS and the stamped return-receipt postcard are attached for the Examiner's convenience.

Applicants request the Examiner acknowledge Applicants' claim for priority to provisional patent application No. 60/196,003.

Claims 1-112, 116-17, and 136-152 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over State Street (1997) in view of Poindexter (U.S. Patent No. 6,338,074) and further in view of Notani (U.S. Patent No. 6,442,528). Applicants respectfully request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d

1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

The Office Action states that “State Street teaches a computerized method for work flow management for a trustee handling a plurality of securitization transactions (pages 3-9).” Office Action at 2. Applicants respectfully submit that the Office Action has not properly established the State Street document as prior art. The Office Action asserts that the publication date of the State Street material available on the Internet is 1997. The cited State Street documents have no publication date. A 1997 Annual Report, available on the State Street web site, is used as the date for all of the pages used in the rejection. However, the actual pages used in the rejection are undated. If a publication does not include a publication date (or a retrieval date), it cannot be relied upon as prior art under 35 U.S.C. § 102(a) or (b) although it may be used to show the state of the art at or around the time the invention was made. See, M.P.E.P. §§ 2124, 2128 (emphasis added). The date of the annual report clearly does not establish a publication or retrieval date for the undated cited materials. Accordingly, the State Street reference cannot be used as prior art or for the state of the art as of April 7, 2001, and should be removed as a reference in the current rejection. At best, the state street documents can be used as a reference as of August 13, 2003, the date of the Office Action.

The combination of Poindexter and Notani fail to disclose all of the limitations in Applicants’ pending claims. As such, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

Applicants have responded to all of the rejections and objections recited in

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the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By 

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